

AUG 01 2005

**KILPATRICK
STOCKTON LLP**
Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

August 1, 2005

direct dial 404 745 2421
direct fax 404 541 3415
SMacDonald@KilpatrickStockton.com

FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Centralized Fax Department OIPE	571-273-8300	United States Patent & Trademark Office Alexandria, Virginia

Stephen C. MacDonald
FROM

13
PAGES (WITH COVER)

55979-0200
REFERENCE NO

55979-314570
CLIENT/MATTER NO.

PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.**CONFIDENTIALITY NOTE:**

The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Inventor(s): **Juan Jose Legarda Ibanez**

Serial No.: 10/622,068

Filed: July 15, 2003

Title: Use of Flumazenil in the Production of a Medicament for the Treatment of
Cocaine Dependency

Papers Submitted: **Petition to Withdraw Holding of Abandonment; Statement in Support
of Petition to Withdraw Holding of Abandonment including Exhibit 1 and 2**

Docket No.: 55979-0200 (55979-314570)

Date Faxed: August 1, 2005

TO BE COMPLETED BY KS OPERATIONS CENTER**TRANSMISSION RECEIPT DATE/TIME:** _____**COMPLETED BY:** _____**JOB CODE** _____

81370

ATLANTA AUGUSTA CHARLOTTE LONDON MIAMI RALEIGH RESTON STOCKHOLM WASHINGTON WINSTON-SALEM

PAGE 1/17 * RCVD AT 8/1/2005 2:03:53 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-6/34 * DNIS:2738300 * CSID:4048156555 * DURATION (mm-ss):04-54

BEST AVAILABLE COPY

AUG 01 2005

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JUAN JOSE LEGARDA IBANEZ

Serial No. 10/622,068

Art Unit: 1614

Filed: July 15, 2003

Examiner: Unknown

For: USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT
FOR THE TREATMENT OF COCAINE DEPENDENCYPETITION TO WITHDRAW HOLDING OF ABANDONMENT AND
NOTICE OF PREVIOUS TIMELY MAILED CORRESPONDENCE
UNDER 37 C.F.R. § 1.8(b)Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:


The applicant named in the patent application identified above hereby petitions under 37 C.F.R. § 1.8(b) to withdraw the holding of abandonment for this patent application.

The above-referenced patent application went abandoned on December 18, 2003 for failure to respond to a Notice to File Missing Parts. A routine status check of PAIR on July 15, 2005 revealed that the status of this application changed to ABANDONED as of June 7, 2005. No Notice of Abandonment was mailed. This petition is filed within two months of the date on which the Applicant became aware of the abandonment of the application on PAIR.

I hereby certify that this correspondence is being sent to the United States Patent and Trademark Office via facsimile transmission to 571-273-8300 attention Centralized Fax Department on August 1, 2005.

08/18/2005 JBALINAN 00000107 090946 10622068

05 FC:2251 60.00 DA


Stephen C. MacDonald, Ph.D. - Reg. No. 1,0063

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
U.S.S.N. 10/622,068
PAGE 2**

STATEMENT OF FACTS

1. A Notice to File Missing Parts was mailed in the above-identified application on October 17, 2003 stating that the period for response was two months from the mailing date of the Notice.

2. A Response to the Notice to File Missing Parts was mailed on December 22, 2003 along with a Petition for a One Month Extension of Time. A copy of this Response is included herewith.

3. A Certificate of Mailing under 37 C.F.R. 1.8 was included on the first page of this Response submitted on December 22, 2003 signed by Legal Assistant Connie Kwon at Irell & Manella LLP.

4. This application was transferred to Kilpatrick Stockton LLP in April, 2005. A Revocation and Power of Attorney was filed on April 1, 2005 in this application. A review of PAIR in April, 2005, indicated that this application was still pending and awaiting examination.

5. A routine internal status check in July 2005 revealed that the status of this application was changed on June 7, 2005 to "Abandoned- Incomplete Application (Pre-examination)" for failure to respond to the Notice to File missing Parts mailed on October 17, 2003. No Notice of Abandonment was ever received.

6. A subsequent review of our files indicated that while a Response to the Notice to File Missing Parts was mailed and a copy remained in our file, no return postcard was

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
U.S.S.N. 10/622,068
PAGE 3**

received from the Office for this submission providing evidence that the Office failed to receive this submission.

FILING OF DOCUMENTS UNDER 37 C.F.R. 1.8

Under 37 C.F.R. 1.8(b), the correspondence will be considered timely if: 1) the Patent Office is notified of the previous mailing of the correspondence promptly after becoming aware that the Patent Office has no evidence of the receipt of this correspondence, 2) an additional copy of the correspondence is supplied, and 3) a statement which attests on a personal knowledge basis to the previous timely mailing of the correspondence is included.

Pursuant to the requirements of 37 C.F.R. §1.8(b)(1-3), and a telephone conference with the Office of Petitions at the United States Patent and Trademark Office, the Applicant submits the following:

- (1) Notice to the Patent Office, in the form of this Petition, of the previous mailing of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) the Statement of Connie Kwon of Irell & Manella LLP which attests on a personal knowledge basis to the previously timely mailing of the correspondence, and
- (3) the previously mailed reply to the outstanding notice: Notice to File Missing Parts (attached as an exhibit to the Statement of Connie Kwon).

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
U.S.S.N. 10/622,068
PAGE 4

RELIEF REQUESTED

The Applicant respectfully requests that this application be revived and restored to pending status for examination on the merits.

It is believed that no fee is required for this submission. However, should a fee be required for this Petition, the Commissioner is hereby authorized to charge any fees required, to Account No. 11-0855. The Applicant also requests that the fees paid by deposit account charge in the Response to the Notice to File Missing Parts filed December 22, 2003 be charged instead to Deposit Account No. 11-0855.

Respectfully submitted,



Stephen C. MacDonald, Ph.D.
Reg. No. L0063

Kilpatrick Stockton LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309
Tel: (404) 815-6500
Fax: (404) 815-6555
Attorney Docket No. 55979-0200 (314570)

RECEIVED
CENTRAL FAX CENTER
AUG 01 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

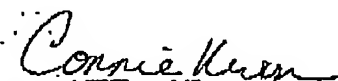
APPLICANT: Juan Jose Legarda Ibanez
SERIAL NO.: 10/622,068 **GROUP ART UNIT:** 1614
FILED: July 15, 2003 **EXAMINER:** Not assigned
FOR: USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT FOR THE
TREATMENT OF COCAINE DEPENDENCY

**STATEMENT IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT FOR NON-RECEIPT OF TIMELY FILED RESPONSE
UNDER 37 CFR 1.8(b)(3)**

1. My name is Connie Kwon and I have personal knowledge of the facts set forth in this Statement.
2. I am a legal Assistant at the law offices of Irell and Manella LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, CA, 90067.
3. A Notice to File Missing Parts was mailed in the above-identified application on October 17, 2003. A copy of this Notice is enclosed herewith.
4. A Response to the Notice to File Missing Parts was mailed on December 22, 2003. A copy of this Response is enclosed herewith.
5. A certificate of mailing under 37 C.F.R. 1.8 is included on the first page of this Response submitted on December 22, 2003. My name and signature are on this Certificate of Mailing.
6. I attest on personal knowledge basis to the timely mailing of this Response to Notice to File Missing Parts on December 22, 2003.

U.S. Serial No. 10/623,068

6. I attest on personal knowledge or basis to the timely mailing of this
Response to Notice to File Missing Parts on December 22, 2003.



Connie Kwon
Legal Assistant- Irell & Manella LLP

Date: July 28, 2005

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Juan Jose Legarda Ibanez
Serial No.: 10/622,068
Filed: July 15, 2003
For: USE OF FLUMAZENIL IN THE PRODUCTION OF A
MEDICAMENT FOR THE TREATMENT OF COCAINE
DEPENDENCY

MISSING PARTS

Attorney(s): Carol A. Schneider
Docket No.: 158235-0009
Date of Deposit: December 22, 2003
Enclosure(s): Transmittal Letter; Assignment; Assignment Recordation Form
Cover Sheet; Declaration; Power of Attorney; Copy of notice to
file missing parts of nonprovisional application; Return Postcard

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☒ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.